

## REMARKS

Applicant respectfully requests reconsideration of the present Application in light of the foregoing amendments and the remarks that follow. Claims 1, 11, 13, 22, 25, 37-44, and 46-48 have been amended. Claims 7, 9, 10, 19, 21, 31, and 45 have been canceled. Claim 49 is new. Accordingly, claims 1-6, 8, 11-18, 20, 22-30, 32-44, and 46-49 are pending and in condition for allowance.

### Rejections based on 35 U.S.C. § 102 (e)

#### A. Applicable Authority.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdeggal Brothers v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 2 USPQ 2d 1913, 1920 (Fed. Cir. 1989). *See also*, MPEP § 2131.

#### B. Claims 1-48 are not anticipated by US Patent No. 6,875,053.

Claims 1-48 are rejected under 35 U.S.C. §102(e) as being anticipated by US Patent No. 6,875,053 to Bolik et al. (hereinafter “Bolik”). As Bolik does not describe, either expressly or inherently, each and every element of the rejected claims, Applicant respectfully traverses the rejection as hereinafter set forth.

Independent claim 1, as amended, recites a system for managing the transmission of data from at least one data source to a remote destination. The system includes an input

interface that receives data from at least one data source and a communication engine that encapsulates the data into one or more message objects, buffers the message objects prior to transmission, and facilitates transmission to a remote destination. Bolik, on the other hand, describes a system for backing up data. Bolik tangentially discusses transferring data into the backup system. The data-transferring discussion in Bolik fails to describe each and every element in claim 1.

Specifically, as amended, claim 1 recites “the one or more message objects are buffered in an output message queue prior to transmission to the remote destination” and “wherein the message object is transmitted through the one or more connections to a remote destination including an input message queue for buffering the message objects” (emphasis added). Thus, it is clear that buffering occurs in both an output queue on the sending side (pre-transmission) and an input message queue at the remote destination. Buffering messages in both output and input queues helps to facilitate the accommodation of slow links and varying characteristics of traffic both on the sender and receiver sides, while driving data transport to the greatest possible utilization. *See* paragraph [0020] in the as-filed application. Bolik describes a transaction log at the remote destination to which backup objects may be written and then committed to the backup storage. *See* Bolik column 6, lines 30-37. The Bolik reference only describes, at best, a single buffering queue rather than two buffering queues. Accordingly, Bolik fails to describe either the “buffering in an output message queue” or “a remote destination including an input message queue.” In other words, at best, buffering on only one side of a transmission to a remote destination is described in Bolik, rather than buffering on both sides of the transmission as is now recited in claim 1.

Claim 1 has also been amended to incorporate the limitations of claims 9 and 10. Accordingly, claim 1 now recites “associating each of the data sources with at least one corresponding session.” Bolik describes transferring backup objects to a backup database, but data transfer sessions between a data source and the backup database are not mentioned. *See* Bolik column 6, lines 1-45. Thus, Bolik does not describe associating each of the data sources with at least one corresponding session.

As Bolik fails to describe, either expressly or inherently, every element of independent claim 1, Applicant respectfully submits that Bolik does not anticipate claim 1. Claims 2-6, 8, and 11-12 depend, either directly or indirectly, on allowable claim 1, and define further patentable features. For example, claim 12 recites “the buffering of the message objects is performed at least in part according to a state of a message completion port.” The Bolik reference does not describe a message completion port or a state of a message completion port. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102 rejection of claims 1-6, 8, and 11-12.

Claim 13, as amended, recites both “buffering the message objects in an output message queue prior to transmission to the remote destination” and “the remote destination includ[ing] an input message queue for buffering the message objects” (emphasis added). Claim 13 has also been amended to recite “associating each of the data sources with at least one corresponding session.” As described previously with reference to claim 1, Bolik does not describe both pre and post transmission queues for buffering messages. Also, as described previously with reference to claim 1, Bolik does not describe associating each of the data sources with at least one corresponding session. Thus, Bolik does not describe each and every element of claim 13. Accordingly, as Bolik fails to describe, either expressly or inherently, every

element of independent claim 13, Applicant respectfully submits that Bolik does not anticipate claim 13. Claims 14-18, 20, and 22-24 depend, either directly or indirectly, on allowable claim 13. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102 rejection of claims 13-18, 20, and 22-24.

Claim 25, as amended, recites both “buffering the message objects in an output message queue prior to transmission to the database” and “the database includ[ing] an input message queue for buffering the message objects” (emphasis added). As described previously with reference to claim 1, Bolik does not describe both pre and post transmission queues for buffering messages, and thus does not describe each and every element of claim 25. Accordingly, as Bolik fails to describe, either expressly or inherently, every element of independent claim 25, Applicant respectfully submits that Bolik does not anticipate claim 25. Claims 26-30 and 32-36 depend, either directly or indirectly, on allowable claim 25. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102 rejection of claims 25-30 and 32-36.

Claim 37, as amended, recites “associating each of the data sources with at least one corresponding session.” As described previously with reference to claim 1, Bolik does not describe associating each of the data sources with at least one corresponding session. Thus, Bolik does not describe each and every element of claim 37. Accordingly, as Bolik fails to describe, either expressly or inherently, every element of independent claim 37, Applicant respectfully submits that Bolik does not anticipate claim 37. Claims 38-44 and 46-49 depend, either directly or indirectly, on allowable claim 37. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102 rejection of claims 37-44 and 46-49.

## CONCLUSION

For at least the reasons stated above, claim 1-6, 8, 11-18, 20, 22-30, 32-44, and 46-49 are now in condition for allowance. Applicant respectfully requests entry of this Amendment, withdrawal of the pending rejections, and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or plujiin@shb.com (such communication via email is herein expressly granted) – to resolve the same.

The requisite fee for an RCE is submitted herewith. It is believed that no additional fee is due, however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112.

Respectfully submitted,

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